

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 100** INDEMNIFICATION OF POLICE OFFICERS, FIREMEN AND PERSONS AIDING THEM; ACTIONS FOR INTENTIONAL OR NEGLIGENT INJURIES INFLICTED UPON SAME

Section 100. Upon application by a fire fighter or police officer of a city, town or fire or water district, or in the event of the physical or mental incapacity or death of such fire fighter or police officer, by someone in his behalf, the board or officer of such city, town or district authorized to appoint fire fighters or police officers, as the case may be, shall determine whether it is appropriate under all the circumstances for such city, town or district to indemnify such fire fighter or police officer for his reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody (podiatry) incurred as the natural and proximate result of an accident occurring or of undergoing a hazard peculiar to his employment, while acting in the performance and within the scope of his duty without fault of his own. If such board or officer determines that indemnification is appropriate, such board or officer shall certify for payment, either directly or by way of reimbursement, by such city, town or district, in the same manner as a bill lawfully incurred by such board

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

Section 100I, REPEALED, 1978, 512, SEC. 10
100J

Part III COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL
CASES

Title IV CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES

Chapter 258 CLAIMS AND INDEMNITY PROCEDURE FOR THE
COMMONWEALTH, ITS MUNICIPALITIES, COUNTIES AND
DISTRICTS AND THE OFFICERS AND EMPLOYEES THEREOF

Section 13 INDEMNITY OF MUNICIPAL OFFICIALS

Section 13. Any city or town which accepted section one hundred I of chapter forty-one on or before July twentieth, nineteen hundred and seventy-eight, and any other city which accepts this section according to its charter, and any town which accepts this section in the manner hereinafter provided in this section shall indemnify and save harmless municipal officers, elected or appointed from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission, except an intentional violation of civil rights of any person, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

FEB 16 1 58 PM '77

TOWN OF
WILMINGTON, MASS.

PER

Town of Wilmington Massachusetts



WARRANT Annual Town Meeting Annual Town Election

TO: THE CONSTABLE OF THE TOWN OF
WILMINGTON

GREETINGS: In the name of the Commonwealth of Massachusetts and in the manner prescribed in the By-Laws of said Town, you are hereby directed to notify and warn the inhabitants of the Town qualified to vote in Town affairs to meet and assemble at the High School Gymnasium, Saturday, the FIFTH of March, A.D. 1977 at 9:45 o'clock in the forenoon, the polls to be opened at 10:00 a.m. and shall be closed at 8:00 p.m. for the election of the Town offices:

Article 1. To bring in your votes on one ballot respectively for the following named offices, to wit: Two Selectmen for the term of three years; One Moderator for the term of one year; Two members of the School Committee for the term of three years; One Member of the School Committee for the term of one year (unexpired term); One Member of the Housing Authority for a term of five years; One Member of the Housing Authority for a term of three years, (unexpired term); One Member of the Redevelopment Authority for the term of five years; and one Member of the Regional Vocational/Technical School District Committee for the term of three years; and to vote on two non-binding public opinion questions as follows:

Question No. 1: Shall the Board of Selectmen petition the Massachusetts Legislature and local representatives to amend the statutory provisions of the Massachusetts General Laws to permit by Town Meeting action a vote by the Town of Wilmington for approval or disapproval of a School Budget based upon seventy-five percent of the votes cast at a Town Meeting on said school budget?

d. Highway Department

1. Design plans for an addition to Highway Garage and Office
2. To purchase a 5 to 7 yard Dump Truck with coverall assembly
3. To purchase a 4 to 5 yard dump body with catch basin cleaner change-over
4. To purchase a ¾ ton Pickup
5. To purchase a Tractor

e. Tree Department

1. To purchase a ¾ ton four wheel drive Pickup
2. To purchase a Thermal Fogger for mosquito control

f. Public Buildings

1. To purchase a platform truck with dump
2. Roof replacement for the West Intermediate School
3. Roof repairs for the Woburn Street School
4. Irrigation system for the High School football field
5. Sod for the High School athletic fields
6. Rebuild the High School Track
7. Irrigation system for the North Intermediate Soccer and Baseball field

Article 7. To see if the Town will vote to raise and appropriate the sum of \$2,000.00 for the observance of Memorial Day and Veterans' Day, and that the Moderator appoint a committee who shall arrange and have charge of said observances, or do anything in relation thereto.

Article 8. To see if the Town will vote to raise and appropriate the sum of \$750 each (or a total of \$1,500 for the purpose of renewing under authority of Section 9 of Chapter 40 of the General Laws as amended the lease of:

- a. Veterans of Foreign Wars Clubhouse on Main Street for the purpose of providing suitable headquarters for the Nee-Ellsworth Post No. 2458 of the Veterans of Foreign Wars of the United States.
- b. American Legion Clubhouse, Inc. in Wilmington for the purpose of providing suitable headquarters for the Wilmington Post No. 136 of the American Legion, or do anything in relation thereto.

Article 9. To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept, and enter into contracts from time to time for the expenditure of any funds without further appropriation allotted to Wilmington by the U.S. Federal Government under any Federal grant program, or do anything in relation thereto.

Article 10. To see if the Town will vote to accept

Selectmen for the term of three years; One Moderator for the term of one year; Two members of the School Committee for the term of three years; One Member of the School Committee for the term of one year (unexpired term); One Member of the Housing Authority for a term of five years; One Member of the Housing Authority for a term of three years, (unexpired term); One Member of the Redevelopment Authority for the term of five years; and one Member of the Regional Vocational/Technical School District Committee for the term of three years; and to vote on two non-binding public opinion questions as follows:

Question No. 1: Shall the Board of Selectmen petition the Massachusetts Legislature and local representatives to amend the statutory provisions of the Massachusetts General Laws to permit by Town Meeting action a vote by the Town of Wilmington for approval or disapproval of a School Budget based upon seventy-five percent of the votes cast at a Town Meeting on said school budget?

YES _____

NO _____

Question No. 2: Shall the Board of Selectmen petition the Massachusetts Legislature and local representatives to request that the Commonwealth return to the cities and towns 100 percent of the revenue derived from the State Lottery?

YES _____

NO _____

You are also hereby further required and directed to notify and warn the said inhabitants of the Town of Wilmington who are qualified to vote on elections and Town affairs therein to assemble subsequently and meet in Town Meeting at the High School Gymnasium, Church Street in said Town of Wilmington, on Saturday, the twelfth day of March A.D. 1977 at 1:30 p.m., then and there to act on the following articles:

Article 2. To hear reports of Committees and act thereon.

Article 3. To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying unpaid bills of previous years, or do anything in relation thereto.

Article 4. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 1977, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, or do anything in relation thereto.

Article 5. To see how much money the Town will appropriate for the expenses of the Town and the salaries

a. Veterans of Foreign Wars Clubhouse on Main Street for the purpose of providing suitable headquarters for the Nee-Ellsworth Post No. 2458 of the Veterans of Foreign Wars of the United States.

b. American Legion Clubhouse, Inc. in Wilmington for the purpose of providing suitable headquarters for the Wilmington Post No. 136 of the American Legion, or do anything in relation thereto.

Article 9. To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept, and enter into contracts from time to time for the expenditure of any funds without further appropriation allotted to Wilmington by the U.S. Federal Government under any Federal grant program, or do anything in relation thereto.

Article 10. To see if the Town will vote to accept Section 100I of Chapter 41 of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment, or do anything in relation thereto.

Article 11. To see if the Town will vote to amend, in accordance with the Home Rule Procedures Act, Chapter 592 of the Acts of 1950, entitled "An Act Establishing a Town Manager Form of Government for the Town of Wilmington, by adding the following subsection:

Section 12 (a) 1

Notwithstanding paragraph 12 (a), the Town Manager may appoint a Director of Public Safety instead of the appointment of a Chief of Police and/or Chief of the Fire Department.

This amendment shall take effect 31 days after the election at which this charter amendment is approved; or do anything in relation thereto.

Article 12: To see if the Town will vote to amend the Revised By-Laws of the Inhabitants of the Town of Wilmington by adding under Chapter 5:

Section 36. Beggars, Solicitors and Peddlers.

No person unless otherwise authorized shall go from place to place within the Town selling or bartering or carrying for sale or barter or exposing therefor or taking orders therefor any goods, wares, or merchandise, nor shall any person go from place to place within the Town begging or soliciting alms or contributions for any person, cause or organization, either on foot or from any animal or vehicle without having first obtained a license from the Town.

ARTICLE 6. (continued)

f. Public Buildings

1. To purchase a platform truck with dump.

Motion to pass over this article and take no action thereon so voted.

2. Roof replacement for the West Intermediate School.

Motion: "I move that the Town vote to raise by taxation and appropriate the sum of \$16,000 for the replacement of the roof at the West Intermediate School." Finance Committee recommended approval of \$16,000. Motion so voted.

3. Roof repairs for the Woburn Street School.

Motion: "I move that the Town vote to raise by taxation and appropriate the sum of \$12,000 for the replacement of the roof at the Woburn Street School." The Finance Committee approved \$12,000. Motion so voted.

4. Irrigation system for the High School football field.

Motion to pass over this article and take no action thereon so voted.

5. Sod for the High School athletic fields.

Motion to pass over this article and take no action thereon so voted.

6. Rebuild the High School track.

Motion to pass over this article and take no action thereon so voted.

7. Irrigation system for the North Intermediate Soccer and Baseball field.

Motion to pass over this article and take no action thereon so voted.

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$2,000 for the observance of Memorial Day and Veterans Day, and that the Moderator appoint a committee who shall arrange and have charge of said observances, or do anything in relation thereto.

Motion by Mr. James F. Banda: "I move that the Town vote to raise by taxation and appropriate the sum of \$2,000 for the observance of Memorial Day and Veterans Day, and that the Moderator appoint a committee who shall arrange and have charge of said observances." Mr. Winters moved to amend the amount to \$3,000. Finance Committee approved \$3,000. Voted on the larger figure first. \$3,000 so voted. Motion as amended so voted.

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$750 each for a total of \$1,500 for the purpose of renewing under authority of Section 9 of Chapter 40 of the General Laws as amended the lease of:

- a. Veterans of Foreign Wars Clubhouse on Main Street for the purpose of providing suitable headquarters for the Nee-Ellsworth Post No. 2458 of the Veterans of Foreign Wars of the United States.
- b. American Legion Clubhouse, Inc., in Wilmington for the purpose of providing suitable headquarters for the Wilmington Post No. 136 of the American Legion, or do anything in relation thereto.

The Finance Committee recommended disapproval. Mr. James F. Banda moved to appropriate \$1,500 or \$750 for each of the above veterans' headquarters and to raise and appropriate the same by taxation. Motion so voted.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen and the Town Manager to apply for, accept, and enter into contracts from time to time, for the expenditure of any funds without further appropriation allotted to Wilmington by the U. S. Federal Government under any Federal grant program, or do anything in relation thereto. Motion to move the above article. Mrs. Barbara Sullivan moved to amend the above article by deleting the word 'or' between 'and' 'the' Town Manager. Amendment so voted. Main motion as worded above so voted.

ARTICLE 10. To see if the Town will vote to accept Section 100I of Chapter 41 of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such

ARTICLE 10. (continued)

act or omission was acting within the scope of his official duties or employment, or do anything in relation thereto.

Motion by Mr. James R. Miceli: "I move that the Town vote to accept Section 100I of Chapter 41 of the General Laws which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment." Finance Committee recommended approval. It was put to a voice vote and the Moderator declared that the "ayes" have it. So voted.

On December 15, 1976 the Town Clerk received the following letter from the Town Manager to put on file prior to the Annual Town Meeting:

Mrs. Esther L. Russell
Town Clerk
Town Hall
Wilmington, Ma.

Dear Mrs. Russell:

I wish to file with you the following statement in accordance with Section 10 of Chapter 43B of the General Laws:

I propose that Chapter 592 of the Acts of 1950, An Act Establishing a Town Manager Form of Government for the Town of Wilmington, be amended by adding after Section 12 (a) the following subsections:

Section 12 (a) 1: Notwithstanding paragraph 12 (a), the Town Manager may appoint a Director of Public Safety instead of the appointment a Chief of Police and/or Chief of the Fire Department.

Yours very truly,

s/Sterling C. Morris
Town Manager

SCM/md

ARTICLE 11. To see if the Town will vote to amend in accordance with the Home Rule Procedures Act, Chapter 592 of the Acts of 1950, entitled "An Act Establishing a Town Manager Form of Government for the Town of Wilmington" by adding the following subsection:

Section 12 (a) 1

Not withstanding paragraph 12 (a), the Town Manager may appoint a Director of Public Safety instead of the appointment of a Chief of Police and/or Chief of the Fire Department.

This amendment shall take effect 31 days after the election at which this charter amendment is approved, or do anything in relation thereto.

Mr. Morris moved the adoption of Article 11 and it was lost on a voice vote.

ARTICLE 12. To see if the Town will vote to amend the Revised By-Laws of the Inhabitants of the Town of Wilmington by adding under Chapter 5:

Section 36. Beggars, Solicitors and Peddlers.

No person unless otherwise authorized shall go from place to place within the Town selling or bartering or carrying for sale or barter or exposing therefor or taking orders therefor any goods, wares, or merchandise; nor shall any person go from place to place within the Town begging or soliciting alms or contributions for any person, cause or organization, either on foot or from any animal or vehicle without having first recorded his name and address with the Chief of Police and furnished such other information as may be requested of him. The Chief of Police shall thereupon, if satisfied with the honesty of the applicant, issue a permit for a period not exceeding twelve months, which must be shown on request, and shall state that said person or organization has duly registered and is entitled to go from place to place within the Town for the purpose specified.

The Chief of Police may, however, authorize the director of any organization within the Town to solicit